

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KTM AG,)	
)	Case No. 21-cv-1379
Plaintiff,)	
)	Judge Elaine E. Bucklo
v.)	
)	
THE INDIVIDUALS, CORPORATIONS,)	
LIMITED LIABILITY COMPANIES,)	
PARTNERSHIPS AND UNINCORPORATED)	
ASSOCIATIONS IDENTIFIED ON SCHEDULE)	
A HERETO,)	
)	
Defendants.)	

**PLAINTIFF’S NOTICE OF VOLUNTARY DISMISSAL WITH LEAVE TO
REINSTATE**

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff KTM AG hereby dismisses without prejudice with leave to reinstate on or before September 27, 2021, relative to Defendant No. 109 “ZENITHIKE”. In the event a motion to reinstate is not filed on or before September 27, 2021, the case shall be deemed, without further order of the Court, to be dismissed with prejudice relative to Defendant No. 109 “ZENITHIKE”.

In view of this dismissal, the Motion to Dismiss and Dissolve the Preliminary Injunction Order filed by Defendant No. 109 “ZENITHIKE” is rendered moot. [Dkt. No. 49]. Each party shall bear its own attorney’s fees and costs.

The respective Defendant has not filed an answer to the complaint or a motion for summary judgment in this matter. Therefore, it is respectfully submitted that dismissal under Rule 41(a)(1) is appropriate.

Respectfully submitted,

Dated: July 28, 2021

By: s/Michael A. Hierl
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KTM AG

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing Notice of Voluntary Dismissal with Leave to Reinstate was filed electronically with the Clerk of the Court and served on all counsel of record and interested parties via the CM/ECF system on July 28, 2021.

s/Michael A. Hierl